

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Musa Daramy et al.,

Plaintiff,

v.

Arctic Storm Management Group LLC,

Defendant.

CASE NO. 21-1431 MJP

ORDER DENYING REQUEST TO
ENTER JUDGMENT AS TO THE
OFFER OF JUDGMENT MADE TO
SEKOU SOUKOUNA

This matter is before the Court on Plaintiffs' Motion for Attorney Fees and to Enter Judgement Pursuant to Offers of Judgment. (Dkt. No. 93.) Having considered the motions and the record, the Court DENIES Plaintiffs' request to enter judgment as to Sekou Soukouna.

Background

This is an employment discrimination case filed by twenty-one former crewmembers of a fishing vessel. Plaintiffs raise claims under Title VII, Washington's Law Against Discrimination, and 42 U.S.C. § 1981 on theories of intentional discrimination, hostile work environment, retaliation, and wrongful termination. They seek compensatory and punitive damages and

1 attorney fees. (Complaint (Dkt. No. 1).) Plaintiffs initially filed notices that they had accepted an
2 offer of judgment in November 2021. (Dkt. Nos. 6-27.) This Court later found those offers of
3 judgments to be invalid and reopened the case. (Dkt. No. 50.)

4 **Plaintiffs' Motion to Enter Judgment Pursuant to Offers of Judgment**

5 Plaintiffs filed a second round of offers of judgment and acceptances on April 19, 2022,
6 correcting the earlier deficiencies. (Dkt. Nos. 57-90.) Plaintiffs then filed a Motion for Enter of
7 Judgments and Award of Attorney Fees and Costs. (Dkt. No. 93.) In that motion, Plaintiffs
8 sought the entry of judgment as to the seventeen plaintiffs who accepted Defendants' Offers of
9 Judgment. (Id.) The Court entered judgment for sixteen plaintiffs. (Dkt. No. 100.) However, the
10 Court cannot enter judgment for Sekou Soukouna as the offer is ambiguous.

11 Defendants' Offer of Judgment for Plaintiff Sekou Soukouna offers "ZERO AND 00/100
12 DOLLARS (\$0.00), exclusive of all awardable costs and attorney fees accrued up to the date of
13 [the] offer." (Offer of Judgment to Sekou Soukouna at 2 (Dkt. No. 75).) The offer then goes on
14 to state that "in the event Plaintiff recovers judgment for an amount not greater than \$5,000"
15 Plaintiff will not recover any of his attorney fees or costs. (Id.) Defendants argue that Soukouna
16 accepted the offer of judgment for zero dollars. (Def. Resp. to Mtn. for Entry of Judgment and
17 Award of Fees/Costs at 5 (Dkt. No. 94.) In response, Plaintiffs argue that the offer should be
18 stricken or construed as an offer for \$5,000. (Pltffs Reply in Support of Mtn. For Attorney Fees
19 and Costs at 6 (Dkt. No. 97.)

20 The circumstances surrounding Defendants Rule 68 offer as to Soukouna supports
21 Plaintiffs' argument that the offer should be stricken. The offer itself is ambiguous as to how
22 much it is offering, and the Court finds it improbable that Plaintiffs meant to accept an offer
23 accepting zero dollars. Further, the Parties' dispute on the matter further exemplifies that an
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1 agreement never existed as to the amount. The Court finds Defendants' offer of judgement as to
2 Sekou Soukouna invalid and denies Plaintiffs' request to enter judgment in favor of him.

3 The clerk is ordered to provide copies of this order to all counsel.

4 Dated June 30, 2022.

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6 Marsha J. Pechman
7 United States Senior District Judge
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